

C/n  
10.20.14

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

District of Maryland

United States of America

v.

DAMONAN OWENS IRBY

Case No.

14-2365 TJS

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 17, 2014 in the county of Baltimore City in the  
District of Maryland, the defendant(s) violated:

Code Section

Offense Description

21 U.S.C. Section 841

Possession with intent to distribute 3,4-methylenedioxy-N-methylcathinone or  
MDMC (Molly)

This criminal complaint is based on these facts:

See attached affidavit

☐ Continued on the attached sheet.

Complainant's signature

Milton Lynn, HSI S/A

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/20/2014City and state: Baltimore, Maryland

Judge's signature

Timothy J. Sullivan, U.S. Magistrate Judge

Printed name and title

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IN THE UNITED STATES COURT FOR THE

DISTRICT OF MARYLAND

NORTHERN DIVISION

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Milton Lynn, being first duly sworn, hereby depose and state as follows:

A. Background and Experience

1. I am a Special Agent with the Department of Homeland Security, Homeland Security Investigations (HSI)<sup>1</sup>, and have been so since December 2006. Your affiant is currently assigned to the Port Investigations Group / Contraband Smuggling Initiative, a multi-agency squad composed of local, state, and Federal law enforcement officers that among its investigatory focus is that of drug traffickers and smugglers operating in and/or transiting the State of Maryland in furtherance of their criminal activity.

2. Your affiant states that he is a law enforcement officer of the United States within the meaning of section 2510(7) of title 18, United States Code; that is an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 21, United States Code, more specifically, the Federal Controlled Substances Act (CSA). As part of my employment with HSI, I attended the Criminal Investigator Training Program (CITP) a twelve week basic program for all Federal criminal investigators held at the Federal Law Enforcement Training Center (FLETC) located in Glynco, Georgia. Additionally, I also attended Immigration & Customs Enforcement Special Agent Training (ICE SAT) an additional eleven weeks of training also held at FLETC. During both of these courses,

<sup>1</sup> In 2003, the legacy United States Customs Service was incorporated into the DHS as "Immigration & Customs Enforcement" (ICE). In 2010, Immigration & Customs Enforcement ("ICE") due to expanding and changing missions, ICE once more underwent a re-organization. This new agency is referred to as Homeland Security Investigations ("HSI").

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1 blocks of instruction were given on such subjects as basic investigative techniques, Federal  
2 controlled substances laws and types of controlled substances and recognition, methods that they  
3 are manufactured, transported across international borders, distributed, and sold, money  
4 laundering techniques, electronic and physical surveillance techniques, and application of  
5 constitutional law.

6 3. Your affiant was previously employed as a Police Officer / Police Detective /  
7 Federal Task Force Officer with the Baltimore City (Maryland) Police Department and the  
8 Baltimore Housing Police, since July of 1995. During my career with the police department, I  
9 have been assigned to Patrol Division, District Operations Unit, Tactical Operations Unit,  
10 Special Investigations, Eastern District Street Crimes Task Force, CID Drug Enforcement /  
11 Major Case Narcotics, the Baltimore / Washington H.I.D.T.A. Task Force, and the Eastern  
12 District Gang Investigations Unit. For approximately three and a half years, I was assigned to the  
13 High Intensity Drug Trafficking Area (H.I.D.T.A.) Task Force detailed to the Federal Bureau of  
14 Alcohol, Tobacco, and Firearms (A.T.F.) and was also a deputized officer of the United States  
15 Department of Justice, Drug Enforcement Administration (DEA). As part of these assignments,  
16 your affiant was a sworn Special Deputy United States Marshal, and conducted investigation,  
17 made arrests, and served Federal search and seizure warrants and Federal arrest warrants for  
18 violation of Federal firearms laws and Federal controlled substances laws. In the course of this  
19 assignment, your affiant participated in numerous Federal and state narcotics investigations,  
20 relating to drug trafficking, drug smuggling, money laundering, homicide and firearms  
21 violations. Your affiant has written or participated in excess of three hundred Federal and state  
22 search and seizure warrants where firearms, quantities of narcotics, US currency, and packaging  
23 materials have been seized.

24 4. Your affiant has received specialized training in the investigation of large-scale  
25 drug organizations. Your affiant also received instruction in surveillance techniques, use of title  
26 three intercepts (wire-taps) and electronic listening devices in accordance with all applicable  
27 laws governing the operations of surveillance equipment use of informants and undercover  
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1 operations. I have conducted and participated in investigations where various methods used by  
2 large scale drug traffickers to smuggle into or introduce controlled substances into the United  
3 States and the State of Maryland, to include, commercial airplanes, private planes, large  
4 commercial maritime vessels and small private boats. As a result of my training and experience,  
5 and interactions with other drug investigators, I have become knowledgeable with the  
6 distribution and trafficking methods employed by drug traffickers to smuggle, import, safeguard,  
7 store, transport, and distribute drugs, and to collect and conceal drug-related proceeds. I have  
8 also participated in investigations utilizing both Federal and state title three electronic intercepts.  
9 Your affiant has led and participated in numerous large-scale drug conspiracy investigations,  
10 both domestic and international in nature, and is familiar with the operations of these types of  
11 criminal organizations.

12 5. The facts set forth in this affidavit are based on my own personal knowledge,  
13 knowledge obtained from oral and written reports by other law enforcement officers, physical  
14 surveillances, interviews, subpoenaed and public records, data base checks, phone analysis, and  
15 information gained through my training and experience. Since this affidavit is for a limited  
16 purpose, I have not included every fact I know about this investigation. I set forth only facts  
17 necessary to establish foundation for the requested warrant. Dates and times are approximate.  
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19 B. Probable Cause  
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21 6. On October 17, 2014, your affiant received information from a confidential  
22 source of information (CS) whose identity is known to your affiant, that a multi-kilogram  
23 shipment of the controlled substance 3,4-methylenedioxy-N-methylcathinone or MDMC, known  
24 on the street as "Molly", would be delivered to Baltimore City in the late afternoon of the 17<sup>th</sup> of  
25 October. The CS stated that the individual delivering the drugs would be a white male operating  
26 a silver Chevy Camaro and that the customer would be a black male. According to the CS, the  
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1 drugs would be contained in a black backpack and that the delivery location would be in the area  
2 of the intersection of Harford Road and Northern Parkway, in northeast Baltimore City.  
3 Information provided by the CS has been corroborated and independently verified by your  
4 affiant.

5 At approximately 3:00 PM members of the Baltimore Police Department and HSI  
6 Baltimore established surveillance in the area of Northern Parkway and Harford Road. At  
7 approximately 3:10 PM law enforcement officers observed a silver Chevy Camaro, bearing MD  
8 registration 6BC8840 parked in the rear parking lot of Valentino's restaurant, 6627 Harford  
9 Road, Baltimore, MD 21214. A white male subject was observed sitting in the driver's seat of  
10 the vehicle. At approximately 3:43 PM, law enforcement observed a black Chrysler 300, bearing  
11 MD tag 4EHB54, pull into the rear parking lot of Valentino's restaurant, one car to the south of  
12 the Camaro. A black male subject wearing a white tee shirt and tan pants exited the driver's side  
13 of the Chrysler 300 with a grey colored shopping bag in his hand and walked over to the  
14 passenger side of the silver Camaro. The black male subject entered the Camaro via the  
15 passenger door. The B/M subject and the W/M subject engaged in conversation for  
16 approximately two minutes. Law enforcement officers were able to observe the two individuals  
17 exchange packages. At the conclusion of the exchange, the black male subject exited the  
18 passenger side of the vehicle with large black backpack in his hand. Law enforcement officers,  
19 believing a narcotics transaction had just occurred between the two subjects, approached the  
20 subjects and detained them. The black backpack was found to contain four kilogram sized  
21 plastic bags containing an off white substance. A search of the Camaro revealed the grey  
22 shopping bag that the B/M had brought with him into the vehicle contained three large bundles  
23 of U.S. currency. A field test of the substance found in the black backpack gave a positive result  
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1 using a Narco-pouch 923 test kit, testing positive for the presence of MDMA/Methamphetamine,  
2 a schedule 1 controlled substance. The black male subject was identified as Damonan OWENS  
3 IRBY, AKA Damon IRBY, date of birth of 2/26/1982. A review of felony convictions for IRBY  
4 indicates the following: a 3/13/2003 conviction for CDS Manufacture/distribute in the City of  
5 Baltimore for which he received 18 months incarceration; a 2/27/2004 conviction for CDS  
6 Manufacture/distribute in the City of Baltimore for which he received 7 years in the DOC; a  
7 2/11/2012 conviction for CDS Possession with the intent to distribute for which he received two  
8 years confinement. The white male subject was identified as Matthew WHITE, date of birth of  
9 10/3/1986. No felony criminal history was located for WHITE.  
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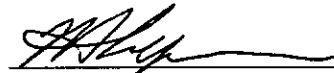
11 7. Both subjects were transported to area correctional facilities. The U.S. Currency was  
12 determined to be \$39,920. Based on your affiant's training, knowledge and experience in the  
13 field of narcotics enforcement, the quantity of MDMC seized (approximately 4 kilograms) is far  
14 in excess of personal use and indicates an intention to distribute.  
15

16 8. Based on the foregoing, it is your affiant's opinion that there is probable cause to  
17 believe that Damonan Owens IRBY and Matthew WHITE, did Possess with the Intent to  
18 Distribute over one kilogram of MDMC of Methalone, in violation of Title 21 United States  
19 Code, Section 841 (a)(1).  
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1 I, Milton Lynn, affirm under penalties of perjury that the facts and circumstances  
2 recounted in the foregoing affidavit are true and accurate to the best of my knowledge.

3   
4 Milton Lynn  
5 Special Agent  
6 Homeland Security Investigations

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8 Subscribed and sworn before me on October 20<sup>th</sup>, 2014.

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11 Timothy J. Sullivan  
12 United States Magistrate Judge  
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